

**386B.7-060 Removal of trustee.**

- (1) The settlor, a cotrustee, or a beneficiary may request the court to remove a trustee, or a trustee may be removed by the court on its own initiative.
- (2) The court may remove a trustee if:
  - (a) The trustee has committed a breach of trust;
  - (b) Lack of cooperation among cotrustees substantially impairs the administration of the trust;
  - (c) Because of unfitness, unwillingness, or persistent failure of the trustee to administer the trust effectively, the court determines that removal of the trustee best serves the interests of the beneficiaries;
  - (d) There has been a substantial change of circumstances or removal is requested by all of the qualified beneficiaries, the court finds that removal of the trustee best serves the interests of all of the beneficiaries and is not inconsistent with a material purpose of the trust, and a suitable cotrustee or successor trustee is available; or
  - (e) For a wholly charitable trust, removal is requested by all of the qualified beneficiaries, notice is given to the Attorney General, and the court finds that removal of the trustee best serves the interests of all of the beneficiaries. This provision shall not limit the rights of the Attorney General under any common law or statutory law of this Commonwealth.
- (3) Pending a final decision on a request to remove a trustee, or in lieu of or in addition to removing a trustee, the court may order such appropriate relief under KRS 386B.10-010(2) as may be necessary to protect the trust property or the interests of the beneficiaries.

**Effective:** July 15, 2014

**History:** Created 2014 Ky. Acts ch. 25, sec. 55, effective July 15, 2014.